

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In Re: Methyl Tertiary Butyl Ether (“MTBE”)  
Products Liability Litigation**

**Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88**

**This document relates to:**

*City of Fresno v. Chevron U.S.A. Inc., et al*

**DECLARATION OF JEREMIAH J. ANDERSON IN SUPPORT OF CERTAIN  
DEFENDANTS’ MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFF’S  
NUISANCE CLAIMS**

**DECLARATION OF JEREMIAH J. ANDERSON**

I, Jeremiah J. Anderson, declare as follows:

1. I am a member of the State Bar of Texas and a partner in the law firm of King and Spalding, LLP, counsel for Defendants Chevron U.S.A. Inc. and Union Oil Company of California in this litigation. I make this Declaration in support of Certain Defendants' Partial Motion for Summary Judgment on Plaintiff's Nuisance Claims. During the course of this litigation, I have actively participated in pretrial matters, including discovery, document review, and motion practice. This Declaration is based on my personal knowledge and, if called as a witness, I could testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from Plaintiff the City of Fresno's (the "City") Original Complaint, filed on October 22, 2003.

3. Attached hereto as Exhibit 2 is a true and correct copy of relevant excerpts from the January 11, 2013 hearing before the Court.

4. Attached hereto as Exhibit 3 is a true and correct copy of the February 8, 2013 letter from Plaintiff City of Fresno's counsel setting forth the substantive basis for the City's nuisance claim.<sup>1</sup> Since February 8, 2013, the parties have met and conferred, and the City has dropped its nuisance claim at additional stations and against additional defendants.

5. Attached hereto as Exhibit 4 are true and correct copies of certain documents relevant to Van Ness Auto, located at 2740 North Van Ness. Specifically, the following items are attached:

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<sup>1</sup> Defendants dispute the facts alleged by the City in its February 8 letter. Defendants are simply citing the letter here for the limited purpose to establish what the City is claiming. The City's letter is not substantive evidence.

- a. Chevron U.S.A. Inc's Supply Declaration dated April 18, 2011 and signed by Frank G. Soler; and
- b. Excerpts from the August 15, 1985 Chevron Dealer Supply Contract, produced in this litigation at CHEVMDL1358\_FRES\_00000002419, 2421.

6. Attached hereto as Exhibit 5 are true and correct copies of the deposition excerpts relevant to Van Ness Auto, located at 2740 North Van Ness. Specifically, the following items are attached:

- a. Relevant excerpts from the March 29, 2011 deposition transcript of James Clements; and
- b. Relevant excerpts from the April 4, 2011 deposition of transcript for Garabed Bedirian.

7. Attached hereto as Exhibit 6 are true and correct copies of certain documents relevant to the M&S Texaco located at 2619 S. East Avenue. Specifically, the following items are attached:

- a. Relevant excerpts from the August 11, 2011 deposition transcript of Jatinder Paul Dhillon; and
- b. Shell Defendants' Response to City of Fresno's First Set of Interrogatories, Exh. B at 8.

8. Attached hereto as Exhibit 7 is a true and correct copy of the relevant excerpt from certain documents related to the M&S Texaco located at 2619 S. East Avenue. Specifically, the following items are attached:

- a. Relevant excerpts from the ASR Engineering, Inc., Semi-Annual Groundwater Monitoring and Wastewater Drum Disposal Documentation Report, Fall 2009 and Spring 2010, M&S Texaco, 2619 S. East Avenue, Fresno, California, May 10, 2010; and
- b. A No Further Action Letter dated March 20, 2012 addressed to Mr. Paul Dhillon from the California Valley Regional Water Quality Control Board.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Declaration of Ethan A. Jones, dated March 15, 2013.

10. Attached hereto as Exhibit 9 are true and correct copies of certain documents relevant to the station located at 4594 East Tulare. Specifically, the following items are attached:

- a. Relevant excerpts from the April 4, 2011 deposition transcript of Donald Doyle;
- b. Relevant excerpts from the March 16, 2011 deposition transcript of Narinder Singh; and
- c. Valero Defendants' Responses to Plaintiff City of Fresno's First Set of Interrogatories to Defendants, November 5, 2008 at 7-8.

11. Attached hereto as Exhibit 10 is a true and correct copy of relevant excerpts from the March 23, 2011 deposition transcript of Dan Martin. These excerpts relate to the station located at 4594 East Tulare and to Beacon-Arco #615, located at 1625 Chestnut Avenue.

12. Attached hereto as Exhibit 11 is a true and correct copy of relevant excerpts from the February 16, 2011 deposition transcript of Imtiaz Ahmad. These excerpts relate to Valley Gas, located at 2139 South Elm.

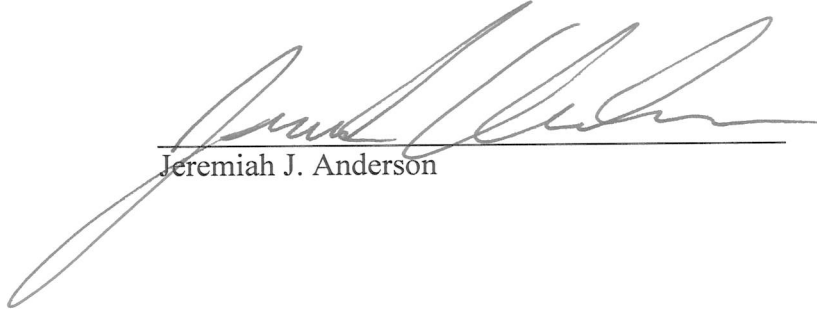
13. Attached hereto as Exhibit 12 are true and correct copies of the documents relevant to Beacon #3519, located at 4591 E. Belmont Avenue. Specifically, the following items are attached:

- a. Valero Defendants' Responses to Plaintiff City of Fresno's First Set of Interrogatories to Defendants, November 5, 2008 at 7-8;
- b. Beacon Oil Company Intra-Company Memorandum dated December 3, 1971, produced in this litigation at VLO-FRESNO-0010453;
- c. Email from Debbie Dirks to Julie Johns dated January 29, 2001, produced in this litigation at VLO-FRESNO-0010454;
- d. Ultramar Diamond Shamrock Corp. Memorandum dated March 1, 2000, produced in this litigation at VLO-FRESNO-0010455;
- e. Facsimile from Tim Mullen, Gasamat Oil Corp. to Ted, Fresno County Environmental dated August 27, 2002, produced in this litigation at FCDEH-FRESNO-017903; and
- f. Relevant excerpts from the March 22, 2011 deposition transcript of Gary Singh.

14. Attached hereto as Exhibit 13 is a true and correct copy of Handwritten Notes of Dan Martin, produced in this litigation at MARTIN\_FRESNO-0001. This Exhibit is relevant to Beacon-Arco #615, located at 1625 Chestnut Avenue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Houston, Texas on this 15th day of March, 2013.



Jeremiah J. Anderson

**Certificate of Service**

I hereby certify that on the 15th day of March 2013, a true, correct, and exact copy of the foregoing document was served on all counsel via LexisNexis File & Serve.



Jeremiah J. Anderson